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STATE OF DELAWARE  
**DEPARTMENT OF STATE**

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DIVISION OF PROFESSIONAL REGULATION

<b>PUBLIC MEETING NOTICE:</b>	<b>BOARD OF NURSING Meeting Minutes</b>
<b>DATE AND TIME:</b>	<b>Wednesday, November 14, 2012 at 9:00 a.m.</b>
<b>PLACE:</b>	<b>Cannon Building, Second Floor Conference Room A 861 Silver Lake Blvd., Dover, DE 19904</b>
<b>Minutes Approved:</b>	<b>January 9, 2013</b>

**MEMBERS PRESENT**

Evelyn Nicholson, President, Public Member  
Robert Contino, RN, Vice President, Nurse Educator Member  
Pamela Tyranski, RN Member  
Robert Maddex, Public Member (left meeting at 3:00 p.m.)  
Harland Sanders, Public Member  
Gwelliam Hines, RN Member  
Delphos Price, APN Member  
Tracy Littleton, LPN Member  
Kathy Bradley, LPN Member  
Dianne Halpern, RN Member  
David Salati, RN Member  
Mary Lomax, Public Member

**DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT**

Pamela Zickafoose, Executive Director  
Sheryl Paquette, Administrative Specialist III  
Catherine T. Hickey, Deputy Attorney General (attended from 9 – 1:30 pm)  
Allison Reardon, Deputy Attorney General (attended from 2:30 – 4:00 pm)

**MEMBERS ABSENT**

Lyron Deputy, RN Member  
Madelyn Nellius, Public Member

**ALSO PRESENT**

Ann Calligan, Wilcox and Fetzer  
Elizabeth McKee  
Jennie Flitcroft  
Kevin Flitcroft  
Lisa Schieffert  
Connie Bushey, M.H. Rollins School of Nursing at Beebe Medical Center  
Barbara J. Robinson

Oran Brown  
Tammy Paxton  
Francis Tormen, Owner of Camtech School  
Joy Magee, Director of Camtech School  
Patricia Welsh  
A. Dale Bowers, Attorney, Camtech School  
Irina Luzhatsky  
Diana Arcidiacono  
Monifa Branch  
Annettell Grey

Ms. Nicholson called the meeting to order at 9:07 a.m. The Board introduced themselves to the public.

### **REVIEW OF MINUTES**

The Board reviewed the minutes of the meeting held on October 10, 2012. Ms. Nicholson made a correction to the last paragraph on Page 12, first sentence of the Final Order. It should read, "Ms. Nellius made a motion, seconded by Ms. Littleton." Mr. Sanders made a motion to approve the minutes as corrected, seconded by Mr. Price. By majority rule, the motion carried with 3 abstaining (Dr. Contino, Ms. Hines, Mr. Salati).

### **ADOPTION OF THE AMENDED AGENDA**

On page 2, under 9.5 'Hearings', the third item should be listed as 9.5.3. Ms. Nicholson said this was an editorial typo. Mr. Sanders made a motion, seconded by Mr. Maddex, to adopt the amended agenda as corrected. By unanimous vote, the motion carried.

### **ACTIVITIES REPORT**

Dr. Zickafoose provided a report of the number and types of active licenses as of November 13, 2012.

Total Active Licenses = 19,841

APN = 1244

RN = 15,723

LPN = 2874

Total permits= 44

### **UNFINISHED BUSINESS**

#### **Incomplete Applications**

Ms. Nicholson welcomed Mr. James Collins, Director of the Division of Professional Regulations, to the meeting. At the October Board meeting, a few applications were denied due to unanswered questions. Mr. Collins attended the November Board meeting to address this issue. He explained that the Board of Nursing is only one of 53 Boards the Division of Professional Regulations regulates. He reminded the Board what the Division's rejection policy was on applications.

Mr. Collins stated he understood the Board's concern about applications that are not properly filled out. He said if the Board has concerns and wants the Division to track it with the applicant, they will do that; but he asked them to approve the license contingent on the Division getting the information, rather than denying the application altogether. Mr. Collins said, for instance, if a date is missing that the school transcripts supply, the date could be entered by staff. Many Board members expressed they didn't think it was appropriate for staff members to fill in blanks for the applicants, and wanted to send a strong message to applicants that they will be dealing with lives everyday and they should be able to follow directions. Mr. Collins said the Board would determine the seriousness of the unanswered question and decide how they wanted to handle it. He said the Board can provisionally approve an application; then

license the person once the information is provided. If the information is not provided, the application will go back to the Board for review. He said the Division is looking at online submission of applications in the next couple of years which will help enforce them being filled out properly. After much discussion, the Board agreed with the above suggestion to provisionally approve an application; then allow the person to be licensed once the information is provided.

Oran Brown, GPN

Mr. Brown graduated from Delaware Technical & Community College on 7/10/12. His CBC shows criminal possession weapon deface/conceal, and criminal possession weapon loaded firearm on 11/24/89; robbery 2<sup>nd</sup> / aided by another (2 counts) on 1-28-90; and robbery 2<sup>nd</sup> on 3-27-91. These crimes are listed at Rules 15.8 and 15.3.11. Mr. Brown's letter of explanation says his convictions were from indiscretions of his youth. Further explanation states that while incarcerated Mr. Brown attended college, obtained a New York State Apprenticeship for Counseling, became a Resident Director overseeing 40 counselors, and also helped write and complete the curriculum for the Aggression Replacement Training (A.R.T.) program. Disposition paperwork and two positive letters of reference were submitted. Question #19 was answered with a "yes" and the explanation summary listed "armed robbery 2<sup>nd</sup> degree," and "criminal possession of weapon." Ms. Nicholson said Mr. Brown's application was one of the applications previously returned at the last meeting due to an incomplete answer. The application has now been filled in correctly; therefore, the Board will now consider the background information. Dr. Contino said Mr. Brown's application was previously denied due to an incomplete program date; however, Mr. Brown did answer truthfully regarding his conviction and supplied supporting documentation for that. Mr. Salati made a motion, seconded by Ms. Bradley, to grant a waiver for Mr. Brown to sit for the exam. By unanimous vote, the motion carried.

Victoria Maldonado, GN

Ms. Maldonado graduated from Delaware Technical & Community College on 8/4/12. Her CBC shows hindering apprehension on 3/5/06, an offense listed at Rule 15.5.15. Ms. Maldonado's letter of explanation says after an altercation with her baby's father she was told by police to tell them if he returned to her home. After the baby's father apologized to her and moved back in, Ms. Maldonado stated she used poor judgment by lying to the police about his whereabouts when they came to her home to arrest him. Disposition paperwork dated August 9, 2006, shows she was sentenced to pay costs of prosecution, pay a fine of \$1,000, and be on probation with the Lebanon County Probation Department for twenty-three months, subject to the rules and regulations they imposed. Six letters of positive reference were submitted. Question #19 was answered with a "yes" and the explanation summary listed "2006 hindering apprehension." Ms. Tyranski made a motion, seconded by Mr. Price, to grant a waiver for Ms. Maldonado to sit for the exam. By unanimous vote, the motion carried.

**COMMITTEE REPORTS**

RN and LPN Dual Licenses – Ms. Nicholson said this was discussed at length at the last meeting and the Board asked Dr. Zickafoose to gather information about other Boards of Nursing in other states and find out what they do. Dr. Zickafoose said she went to the National Council's website and submitted a survey to the Executive Officer of each state. As of yesterday she had received 39 responses; and of those, 37 states said they do allow persons to hold both active RN and LPN licenses at the same time. That is 95% of the states responding. She said she asked if their state disciplines both licenses whenever a discipline is imposed, and 83% of the states said "yes." The majority of the states that didn't reply "yes" to that question noted that they have two separate boards (RN and LPN); therefore, they would hear two separate cases in that instance. Dr. Zickafoose pointed out a few of the comments that were made:

- Each case is handled on an individual basis.
- We do not recommend this for our licensees because of role confusion.
- We ask the licensee if they want to keep both licenses active.

- It's not really an issue unless we receive a complaint and the individual is working as an LPN.
- We tell licensees we hold them to the highest license issued, so they will be treated as an RN. (Note: Dr. Zickafoose said we do the same thing in Delaware.)
- Minnesota considers licensure a property right once it is granted. Thus, the Attorney General's office has determined an individual may hold each license.

Dr. Zickafoose said her recommendation to the Board is to leave things as they are; allow people to hold both licenses if they want to, but know they will be held legally accountable for the highest level of license they possess. Ms. Nicholson suggested the Board reprimand both licenses in cases of disciplinary action. Mr. Price asked if someone is working as an LPN but they have an RN license, would they be held to an RN standard. Ms. Nicholson responded, "Yes." Mr. Price questioned how that person would be able to perform their duties properly. Dr. Zickafoose said she is often asked this question and her response is, "If you are working in a job description for your organization as an LPN, then you do those duties that are listed in your job description as an LPN." She added, "However, if they are ever called before the Board they would be held to the highest standard." Since there were no changes recommended, no motion was needed.

APN Committee – Mr. Price said the committee wasn't able to meet due to the weather (Hurricane Sandy). The next scheduled meeting is November 27<sup>th</sup> in the Cannon Building, Dover.

AWSAM Committee – Ms. Tyranski said the committee met on October 23<sup>rd</sup> in the Cannon Building, Dover. She said the committee went through many definitions suggested by Ms. Carmady that were gathered from sources such as the ANA, DDNA; as well as the NCSBN definitions. The committee reiterated that the LLAM terminology (which will replace the AWSAM terminology) is not going to be a delegated task. Ms. Tyranski said the curriculum committee has not yet been formed, as they are waiting for the CV's of the different educators who have agreed to participate on this sub-committee.

Ms. Tyranski said the committee discussed Glucagon and who should be permitted to administer this during after-school activities. She said Ms. Alicia Klugar, from the Pharmacy Board, was a new member of the committee and attended the meeting. The committee talked about Glucagon and how it is considered routine for children who are diabetic and are rescued for hypoglycemic episodes during after-school activities. The committee discussed the fact that most of the time there is not a nurse or teacher there, but actually a coach or volunteer, and discussed whether or not they should be permitted, and trained, to give Glucagon. At previous meetings the committee voted to consider this under the emergency provisions of Delaware's statutes. Ms. Klugar noted that it is generally not considered the first line of rescue and other options should be considered first. She said she would talk to the Pharmacy Board and get further information on this.

Ms. Tyranski passed around a sample multi-pack of medications - a "fancy medi-planner", which is prefilled by the pharmacy with a week's worth of medications (the sample pack had candy in it, not medications). Ms. Tyranski said they are dose specific for each patient and they meet all the labeling requirements as to what medications, dose, and quantity are in each pack. Dr. Zickafoose said these are not legal to use at this time due to Board of Pharmacy regulations, but if the Board of Nursing is in favor of them, she will take any suggestions to the Board of Pharmacy for changes to their Rules and Regulations. Mr. Price said he noticed allergy information was not written on them; however, felt the multi-pack concept was phenomenal. Ms. Bradley talked about the possibility of Coumadin level changes and was told the multi-packs are picked up each week so changes can be made as necessary and only routine meds are included in these packs. Ms. Tyanski said she felt using them would be safer in group home settings than what is done now. She also mentioned that it has not been determined if controlled substances would be included in these packs. Dr. Contino made a motion, seconded by Mr.

Maddex, for the Board of Nursing to support the Board of Pharmacy in this effort. By unanimous vote, the motion carried.

Ms. Tyranski said the pilot program for medication aids at DHSS is on hold. The next AWSAM meeting is scheduled for December 4<sup>th</sup> at 3:30 p.m. in the Cannon Building, Dover.

### **PRESIDENT'S REPORT**

Ms. Nicholson said that nominating hearing panels is part of the President's duties, and during her time as President she has made 27 nominations. Each time she has asked a Board member to give extra time and service over a three-month period, not once did a member decline an appointment. She said this is one more illustration of the dedication of our Board members to serve the citizens of Delaware and it is one more reason she feels honored to be a Board member.

### **EXECUTIVE DIRECTOR'S REPORT**

Dr. Zickafoose prepared a written report for the meeting and gave highlights from her report. Dr. Zickafoose said she was thankful Delaware was spared from the recent storm Sandy. She said she wishes a speedy cleanup to all those affected in New Jersey and New York.

Dr. Zickafoose said she attended the Tri-regulator Symposium in Washington, DC. It was the first ever meeting in which the Boards of Nursing, Federation of State Medical Boards, and the National Association of State Boards of Pharmacy all got together in the same room. She said she feels all these boards really need to work together, and she found the meeting very exciting. Dr. Zickafoose said she was impressed with several people there, one of them being Mr. Joseph Rannazzisi, who works for the DEA. She said he gave an excellent presentation on the drug abuse and substance use disorders situation throughout the United States. The message from that presentation is that we are getting a good handle on opiate prescription abuse; however, people are resorting back to heroin since addicts can no longer readily acquire prescription opioids.

### **AAPA Regional Meeting**

Dr. Zickafoose said the two major Nurse Practitioner organizations are working to come together to form one American Association of Nurse Practitioners.

### **RN License Renewal**

All RN's are coming up for re-licensure. The preparations have been started behind the scenes and the APN certification dates are getting updated. Letters to RN's for renewal will be sent out soon. Dr. Zickafoose told attendees in the audience from nursing schools that she will be getting back to them on their annual nursing school reports within the week.

### **NEW BUSINESS BEFORE THE BOARD** **LICENSEE APPLICATION REVIEWS**

#### **By Examination**

**Tanisha Martin, GPN**

Ms. Martin graduated from Lincoln Technical Institute, New Jersey on 3/22/12. Her CBC showed hindering apprehension\* (Rule 15.5.15) on 6/29/96 and resisting arrest (Rule 15.5.23) on 10/6/04. Her letter of explanation said she was driving without a license and she gave the wrong name to the police officer. She answered "yes" to question #19 and stated, "I was driving without a license and gave the officer a fake name. The charge was dropped to a misdemeanor and I had to pay a fine. Also, I have a curfew violation from my son being out past curfew when he stayed with my mother." Disposition paperwork and 6 letters of reference were submitted. (\*Board Counsel said this is the same as

hindering prosecution in DE, which is listed in the Board's Rules and Regulations at 15.5.15.) Mr. Price made a motion, seconded by Ms. Halpern, to grant a waiver for Ms. Martin to sit for the exam. By unanimous vote, the motion carried.

By Endorsement

Erik Lingenfelder, RN

Mr. Lingenfelder graduated from Jefferson University in May 2012. He is currently licensed in PA until 10/2013. His CBC shows a conviction for retail theft on 8/21/2002 (Rule 15.3.16). His explanation says he took a pack of cigarettes, removed some cigarettes from the pack, put the pack back on the shelf and then was caught. He was taken to the police station, fingerprinted and charged with a summary offense including a fine and costs, which were paid. He presumed the incident was closed. Question #23 was marked "no", and his letter explains the reason he answered "no" was because he forgot about the incident and has not been in any trouble since then. In addition, he answered "no" to this question for his PA license and on job applications and he has not received any inquiries from them. Finally, he states he is filing for an expungement. Disposition paperwork and 2 letters of reference for his job position at Jefferson Hospital were submitted. Mr. Price made a motion, seconded by Ms. Lomax, to grant a waiver and grant licensure by endorsement. Members of the Board said they weren't comfortable with the fact that Mr. Lingenfelder did not remember his arrest, as well as concerns they had regarding Mr. Lingenfelder's listed credentials. After much discussion Mr. Price amended his original motion, seconded by Mr. Maddex, to grant a waiver for licensure by endorsement to Mr. Lingenfelder, with the stipulation that a letter of concern be sent by Executive Director Dr. Zickafoose. By unanimous vote, the motion carried.

By Reinstatement

Jennie Flitcroft, RN

Ms. Flitcroft graduated from Wesley College on 5/18/1996. Her CBC shows criminal mischief on 8/8/10 listed at Rule 15.3.5. Her letter of explanation says she was in a car where the driver was arrested for driving under the influence of alcohol although she was not the driver. As she was also under the influence of alcohol she was taken to the police station as well. While at the police station, when told she could leave, the door she pushed to leave was jammed. Ms. Flitcroft explains that the police officer that was trying to un-jam the door made the situation worse and the door broke. She said she explained the situation to a judge who told her he was dismissing her case. Ms. Flitcroft said this was the last time she heard about it, and was never fined or billed for the door. She said she was shocked when the CBC came back with criminal mischief on it. She said she feels they have made a mistake on her record. Disposition paperwork and four letters of reference were submitted. Question #16 was answered with a "no." A letter dated October 17, 2012 from Ms. Flitcroft stated she was threatened with jail and was made to sign a paper of guilt. She said she didn't realize the charge was considered a "misdemeanor" or "felony;" therefore, checking "no" on her application was "not intentional." Mr. Price made a motion, seconded by Ms. Halpern, to grant a waiver for licensure by reinstatement to Ms. Flitcroft. With Mr. Maddex and Dr. Contino abstaining, the motion carried by majority vote.

Advanced Practice Nurse

There were no applications for Board review.

Renewal

There were no renewal applications for Board review.

The Board took an 8 minute recess prior to the 11 a.m. Camtech hearing.

### **COMPLAINT ASSIGNMENTS/ASSIGNED BOARD CONTACT PERSON**

Ms. Lomax made a motion, seconded by Ms. Hines, to ratify the following complaint assignments given to the respective Board contact person. By unanimous vote, the motion passed.

11-79-12 Nellius	11-80-12 Lomax	11-81-12 Price	11-82-12 Halpern
11-83-12 Maddex	11-84-12 Deputy	11-85-12 Tyranski	11-86-12 Bradley

### **CLOSED COMPLAINTS**

Closed complaints do not need a vote; they are for information only to get into the record.

#### **Dismissed by the Attorney General's Office.**

11-23-11	11-42-11	11-69-11	11-71-11	11-72-11
11-74-11	11-117-11	11-41-12	11-69-12	

#### **Closed Investigations by the Division of Professional Regulation**

11-43-11

### **HEARINGS/CONSENT AGREEMENTS – RATIFICATION & SIGNATURE**

#### **Consent Agreement(s)**

Melanie Kline, LPN – Board members reviewed the consent agreement for Ms. Melanie Kline, which specifies the discipline for her violations would be one year of suspension of her license, followed by two years of probation. After one year of probation, Ms. Kline is permitted to request termination of the probation provided she has successfully completed all conditions of her probation; and, prior to reinstatement of her nursing license she needs to successfully complete twelve hours of continuing education as specified in her consent agreement. Another provision of the consent agreement is that Ms. Kline shall provide the Executive Director with a written self-evaluation status and employer evaluation report every three months, the first of which shall be issued thirty days after the beginning of the period of probation. Mr. Price made a motion, seconded by Ms. Tyranski, to accept the consent agreement. With Ms. Littleton abstaining, the motion carried by majority vote.

Stephanie Thompson - Board members reviewed the consent agreement for Ms. Stephanie Thompson, which was a compact license issue and specifies the discipline for her violations would be a letter of reprimand. Ms. Littleton made a motion, seconded by Ms. Bradley, to accept the consent agreement. By unanimous vote, the motion carried.

### **Hearing Panel Findings/Decisions/Orders**

#### **Appointment of Hearing Panel #12**

Before appointing a new Hearing Panel, Ms. Nicholson publicly, and for the record, acknowledged the members of Hearing Panel #11 for the extra time and service that they have given to the Board and to the citizens of Delaware. The Panel members were Ms. Dianne Halpern, Ms. Pamela Tyranski, and Dr. Mary Lomax. Thank you to all.

Ms. Nicholson nominated the members for Hearing Panel #12. The nominations were: Mr. Delphos Price, as a Professional Member and as Chairman of the Panel; Ms. Gwelliam Hines, as a Professional Member; and, Ms. Madelyn Nellius, as the Public Member. Hearing Panel #12 will serve for a three-month period: November, December, and January. Mr. Salati made a motion, seconded by Ms. Bradley, to accept and approve the nominations for Hearing Panel #12. By unanimous vote, the motion carried. Ms. Nicholson thanked the members of the new Hearing Panel for accepting their appointments and for their willingness to serve.

### **Hearing Officer Recommendations**

Emily Derbyshire, RN - Board members reviewed the recommendation from the Hearing Officer with Ms. Reardon saying the Hearing Officer concluded as a matter of law that Ms. Derbyshire violated 24 *Del. C.* § 1922(a)(3), in that she was unfit to practice nursing; and 24 *Del. C.* § 1922(a)(8), in that she was habitually intemperate, or addicted to habit forming drugs, which are Board Rules 10.4.1, 10.4.2.14, 10.4.2.15, and 10.4.2.17. The Hearing Officer recommended that Ms. Derbyshire be disciplined by having her license to practice in Delaware suspended for two years, that the suspension not be lifted until she completes her Superior Court diversion program or a similar diversion program that includes random drug screenings, and that she completes twelve hours of additional continuing education. He is recommending that the suspension last at least two years. Dr. Contino asked if she only had a Maryland license and was told "yes." He said the Board is not, therefore, disciplining her Maryland license, and was again told, "Yes, the Board is only suspending her privilege to practice in Delaware." Dr. Zickafoose explained that the 'privilege to practice' is something that is entered into NURSUS, and as soon as it is entered Maryland and all other compact states will receive a speed memo stating that her license has been disciplined. Most states act upon that speed memo and, therefore, initiate a complaint in the nurse's own state. Mr. Sanders made a motion, seconded by Mr. Salati, to approve and accept the recommendations from the Hearing Officer as written. By unanimous vote, the motion carried.

Gregory Morris, LPN - Board members reviewed the recommendation from the Hearing Officer with Ms. Reardon saying the findings of fact made by the Hearing Officer support the legal conclusion that Mr. Morris violated the provisions of 24 *Del. C.* § 1922(a) and Board Rule 10 set forth in the recommendation. The Hearing Officer also properly considered aggravating factors including Mr. Morris' violent and disturbing actions that make him a threat to himself and a threat to others. He also found that Mr. Morris is unfit to practice nursing in accordance with 24 *Del. C.* § 1922(a)(3); that his actions in lighting fires and endangering the lives of others also violated 24 *Del. C.* § 1922(a)(8), that his conduct was unprofessional and violated Board Rules 10.4.1, 10.4.2.5. He found him mentally incompetent and in violation of 24 *Del. C.* § 1925(a)(5); and suffered from physical impairment such that his performance of nursing services may be injurious to the public in violation of 24 *Del. C.* § 1922(a)(6). The Hearing Officer has recommended that Mr. Morris' license be suspended indefinitely, that the suspension remain in effect and not be lifted until he appears for a hearing and is able to demonstrate that at a minimum all criminal charges in Delaware, Maryland, or any other state, have been resolved; he's compliant with the terms of any criminal sentence, that he's undergone a complete psychiatric and/or psychological evaluation, has followed all recommendations for treatment, including but not limited to any medication, inpatient or outpatient therapies, that he has undergone a complete substance abuse evaluation, and followed all recommendations for treatment; including, but not limited to, individual or group therapy, random urine screens, and attendance at NA or AA meetings; that he sign all necessary consents for his service providers to allow him to share information with the Board of Nursing or Board's designee, and after undergoing any and all treatment he'll be required to demonstrate to the Board's satisfaction continued sobriety and mental health stability such that he is fit to practice safe nursing. Mr. Salati made a motion, seconded by Ms. Bradley, to approve and accept the recommendations of the Hearing Officer for Mr. Gregory Morris. By majority vote, the motion carried.

Katherine Bowers, RN - Board members reviewed the recommendation from the Hearing Officer with Ms. Reardon saying the Hearing Officer found that Ms. Bowers' admitted use and diversion of drugs and subsequent guilty plea of obtaining a controlled substance by forgery constituted behavior that failed to conform to legal standards of the nursing profession in violation of Board Rule 10.4.1; she also diverted drugs in violation of Board Rule 10.4.2.16. Based on those violations, discipline is warranted under 24 *Del. C.* § 1922(a). Therefore, sanctions pursuant to 24 *Del. C.* § 1922(b) must be carefully considered based on aggravating and mitigating factors. Mr. Price made a motion, seconded by Mr.



Maddex, to approve and accept the recommendations of the Hearing Officer for Ms. Katherine Bowers. By unanimous vote, the motion carried.

Mary Crawford, RN - Board members reviewed the recommendation from the Hearing Officer with Ms. Reardon saying the Hearing Officer found that Ms. Crawford diverted drugs and engaged in unprofessional conduct. Ms. Crawford was licensed in 2003 in Maryland through compact licensure. Her license expired in March 2012 and had not been renewed as of September 17, 2012. Ms. Reardon went over the exhibits for the Board. The Board discussed whether or not Ms. Crawford would be able to become reinstated in Maryland and practice in Delaware. Ms. Reardon said the Board can only deal with Ms. Crawford's 'compact privilege' to work in Delaware on another state's license. Dr. Zickafoose reminded the Board that the Board's decision will go into NURSIS for other states to see.

Dr. Lomax made a motion, seconded by Ms. Hines, that Ms. Crawford's compact license privilege to practice be suspended for a minimum period of two years. At the expiration of the two year period, Ms. Crawford may petition to have the suspension lifted and a hearing will be held before the Board on the request. She will not be permitted to work in Delaware until she demonstrates at the hearing that she has undergone the evaluations and completed Hearing Officer recommendations #2 and #3. By unanimous vote, the motion carried.

### **DISCIPLINARY HEARINGS**

Hearing minutes follow the regular Board minutes. There are no disciplinary hearings scheduled for next week.

### **LEGISLATIVE UPDATE**

There were no legislative updates.

### **REVIEW OF COMPLIANCE**

#### Maria Edwards

Dr. Zickafoose said Ms. Edwards was disciplined for loaning narcotic keys to another staff person against her employer's policy. She was given four months probation and a year to complete CE's. Ms. Edwards made a request to Dr. Zickafoose to have her probation lifted and she submitted two courses for approval to satisfy her continuing education requirement. Dr. Zickafoose said she denied the two courses because they were being given by social workers and weren't appropriate. Therefore, Ms. Edwards has not yet completed her required CE's but is asking for her probation to be lifted. She also needed a self-evaluation and employer evaluation prior to lifting the probation. These were received. Dr. Contino made a motion, seconded by Ms. Bradley, that Ms. Edwards' probation be continued with automatic removal of probation pending completion of approved CE credits. By unanimous vote, the motion carried.

#### Kimberly Stewart

Dr. Zickafoose said Ms. Stewart was disciplined for falling asleep at work. Ms. Stewart was propping up an injured knee on a break room couch and fell asleep. A Board Order was signed in May 2012 sanctioning Ms. Stewart to 6 months probation, ending on November 9, 2012. Ms. Stewart submitted an entire packet to Dr. Zickafoose with all the required documentation. Mr. Price made a motion, seconded by Ms. Halpern, to approve Ms. Stewart's compliance and remove probation. By unanimous vote, the motion carried.

### **PRACTICE WITHOUT LICENSURE REVIEWS**

Dr. Zickafoose said there was one person that practiced without a license for less than 60 days, and, therefore, letters were sent to both the applicant and the employer.

### **PRACTICE ISSUES**

There were no practice issues this month.

### **EDUCATIONAL ISSUES**

#### **Polytech Clinical Request**

Dr. Contino said Polytech has requested approval of a clinical placement site for the LPN program. They wish to use the infirmary at the Vaughn Correctional Center for part of their clinicals. The Practice and Education committee approved this request unanimously via email. The motion was made on behalf of the committee to approve the Correctional Center as a clinical site for Polytech. By unanimous vote, the motion carried.

#### **Beebe Clinical Request**

Dr. Contino said he had a clinical request from Beebe to the Margaret H. Rollins School of Nursing to use Fresenius Medical Center Dialysis Center as a clinical site for their students. They have two locations: one in Rehoboth Beach and one in Georgetown. The Practice and Education committee approved this request unanimously via email. The motion was made on behalf of the committee to approve the request by Beebe to have a new clinical site. By unanimous vote, the motion carried.

#### **Compassionate Care Hospice CE Provider**

Dr. Zickafoose said Compassionate Care has submitted a well-prepared package for CE provider status. Tracey Dickerson, CHPN, was responsible for putting together the packet of information. Dr. Zickafoose said everything was included in the package: bibliographies, PowerPoint's, description, administrative authority, organizational charts, record-keeping system, evaluations, actual certificates, etc. She said they have met all the requirements and she would recommend they be accepted as an approved CE provider. Mr. Price made a motion, seconded by Ms. Tyranski, to accept Compassionate Care Hospice as a CE provider. By unanimous vote, the motion carried.

### **LICENSURE ISSUES**

#### **Allison Fayock**

Dr. Zickafoose said Ms. Fayock was brought before the Board of Nursing two months ago under licensure through endorsement. She said at that time the Board voted to grant licensure by endorsement with the requirement Ms. Fayock participate in the DE VTO program for 3 years. Since then, Dr. Zickafoose has found out that Ms. Fayock does not meet the qualifications for the VTO program at this time. She said the Board can "propose to deny" or "grant a waiver" as has been done in the past. Mr. Price said he would like to see Ms. Fayock come before the Board to clarify things. Mr. Price made a motion, seconded by Ms. Tyranski, to propose to deny licensure by endorsement with the right of the applicant to request a hearing. With Ms. Littleton abstaining, the motion carried by majority vote.

### **NCSBN**

Dr. Zickafoose reported that Sheryl Paquette and Jennifer Childears attended the NCSBN Operations Conference in Chicago on November 8-9, 2012. The NLCA held a conference call and voted to extend the time for anyone moving from a compact state to another state from 30 to 90 days for licensure. This will require a rule change for all compact states. Dr. Zickafoose was requested to ask Ms. Davis-Oliva to have the changes made and to schedule a Rules and Regulations hearing in January 2013.

### **LICENSEE RATIFICATION**

Mr. Price made a motion, seconded by Ms. Littleton, to ratify the licensee list. By unanimous vote, the motion carried.

**PUBLIC COMMENT**

Ms. Connie Bushey thanked the Board of Nursing for their commitment to the profession of nursing and for protecting the public.

**NEXT SCHEDULED MEETING**

January 9, 2013 - 9:00 a.m.  
861 Silver Lake Blvd., Cannon Building, Conference Room A, Dover, DE 19904.

**ADJOURNMENT**

The meeting adjourned at 3:45 p.m.

Respectfully Submitted,

A handwritten signature in black ink that reads "Pamela C. Zickafoose". The signature is written in a cursive, flowing style.

Pamela C. Zickafoose, EdD, MSN, RN, NE-BC, CNE  
Executive Director, Delaware Board of Nursing

### **Executive Director Update- November 2012**

Hurricane Sandy visited the State of Delaware and we were very fortunate that the impact was no worse than it was. I hope that everyone was safe and no major damage occurred. The elections are over and now we can move forward and get back to business!

October 16-18<sup>th</sup> I was fortunate to be in Washington, DC to attend the first ever Tri-Regulator Symposium titled "Protecting Patients and the Public: A Heritage of Excellence" hosted by the Federation of State Medical Boards (FSMB), the National Council of State Boards of Nursing (NCSBN) and the National Association of Boards of Pharmacy (NABP). The FSMB celebrated its 100<sup>th</sup> anniversary and a letter was distributed from President Barack Obama. Two presentations were quite invigorating: "Combating Opioid Prescription Abuse" by Joseph Rannazzisi, Deputy Assistant Administrator from the Office of Diversion Control at the Drug Enforcement Administration (DEA) and the keynote delivered by Donna Shalala, President of the University of Miami and former U.S. Secretary of Health and Human Services.

Prescription drug abuse is a major problem in the United States, particularly with opioid medications. Many states have now implemented prescription monitoring programs which has helped to decrease prescription abuse. However, illegal drugs such as heroin are now becoming more popular since addicts can no longer readily acquire prescription opioids.

Ms. Shalala discussed her work with the Institute of Medicine Future of Nursing report and stated the three regulatory boards must work together to move health care reform forward. Nurses must be allowed to function using their full scope of practice for all levels of nursing-LPN, RN, and APRN. There was also a good bit of discussion regarding compact licensure and the need for states to regulate licensure using a state-implemented compact model rather than a federal model.

I also attend the American Academy of Nurse Practitioners (AANP) regional meeting in Philadelphia on October 13, 2012. The major issue at this meeting was implementation of the Consensus Model and how states are progressing. Suggestions were made to include the AARP, mental health practitioners, the League of Women Voters, school nurses, patients, pharmacists, the Rotary, Lions and Elks clubs and the Medicaid population to support implementation of the Consensus Model. For authority to sign death certificates they recommended getting the support of the Funeral Board. They also stressed that the model does not change the scope of practice for APRNs. A new term was used calling for "full practice authority (FPA)" which the APN committee in DE may consider using. Nurse Practitioners were encouraged to use the prescription drug monitoring programs in their states.

Finally, we have begun preparations for RN license renewal for 2013. APNs were sent an email to submit their national certification renewal date as they cannot be relicensed without active national certification.

## **HEARING MINUTES**

### **HEARING – CAMTECH**

The Delaware Board of Nursing held a hearing on November 14, 2012, at 11:14 a.m. in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Suite 203, Dover, Delaware.

**PRESENT:** Evelyn Nicholson, Harland Sanders, David Salati, Mary Lomax, Dianne Halpern, Delphos Price, Robert Contino, Robert Maddex, Pamela Tyranski, Tracy Littleton, Kathy Bradley, Gwelliam Hines

**RECUSED:**

**EXCUSED:** Lyron Deputy, Madelyn Nellius

**PURPOSE:** Withdrawal of Board of Nursing Approval of School

**PRESIDING:** Evelyn Nicholson, President

**BOARD STAFF:** Pamela Zickafoose, Executive Director of Nursing  
Sheryl Paquette, Administrative Specialist III

**DEPUTY ATTORNEY GENERAL FOR THE BOARD:** Catherine Hickey, DAG

**DEPUTY ATTORNEY GENERAL FOR THE STATE:**

**RESPONDENT:** CAMTECH (Mr. Francis Torman, Owner; Ms. Joy Magee, Director)

**COUNSEL FOR THE RESPONDENT:** Mr. A. Dale Bowers

**WITNESSES FOR THE STATE:** Dr. Pamela Zickafoose

**WITNESSES FOR THE RESPONDENT:** Ms. Joy Magee, Mr. Francis Torman

**COURT REPORTER PRESENT:** Ann Calligan, Wilcox and Fetzer

**TIME STARTED:** 11:10 a.m.

The recorder took verbatim testimony. The Board members introduced themselves. Ms. Hickey described the reason for the hearing and confirmed Camtech was present. Mr. A. Dale Bowers, attorney for Camtech, was introduced. The Board entered exhibit #1- the February 13, 2012 letter, the Camtech Action Plan, the September 12, 2012 letter and the October 5, 2012 letter. Mr. Bowers submitted Exhibits #1 and #2 for review by the Board. Camtech Exhibit #1 contained the Practical Program Proposed Action Plan, dated November 14, 2012, with copies for Board members. Exhibit #2 was two copies of a binder containing Appendices A-H and photographs. Ms. Hickey explained the Board will look at Camtech to provide information to offer good cause to not withdraw their approval.

Mr. Bowers said a communication issue exists. He said he felt Camtech addressed the Board's previous concerns, took actions to correct them, but didn't explain to the Board very well what Camtech did to correct them. Mr. Bowers called Ms. Joy Magee to testify. Ms. Joy Magee was sworn in. Ms.

Magee discussed delays in students taking the NCLEX exam, the lab equipment that was available and/or not available to students, and the clinical experiences provided to students.

Mr. Bowers called Mr. Francis Torman to testify. Mr. Torman was sworn in. Mr. Torman discussed what improvements and constraints he believed Camtech has had, the low NCLEX passage rates of Camtech's graduates for more than three years, the low enrollment, the recent requirement of a higher passage score by prospective students taking the entrance exam, and the timeline for criminal background checks on Camtech students nearing graduation. Mr. Torman also requested that the Board continue its Conditional Approval status of Camtech for another two years.

Ms. Hickey said the Board could call witnesses. Ms. Nicholson called Dr. Zickafoose as a witness. Dr. Zickafoose was sworn in to testify. Ms. Nicholson asked Dr. Zickafoose to review the NCLEX passage rates for Camtech since their inception and initial approval until the present time. She also asked Dr. Zickafoose to go over timelines and communications since the Board had heard extensively today from Camtech that there was miscommunication or no communication.

Dr. Zickafoose said that for the entire current year (the July class and the September class) Camtech's overall pass rate is 51.16%; thus making it the fifth consecutive year that the Camtech LPN School has not met the 80% rule. Dr. Zickafoose then read items on a timeline regarding the process the Board has been through with Camtech since their program began, including excerpts from minutes of past Board of Nursing meetings.

The Board went off the record at 1:13 p.m.

The Board went into deliberations and reviewed the exhibits.

The Board went back on the record at 1:36 p.m. Mr. Price made a motion, seconded by Ms. Littleton, that the Board continue deliberations at the January Board meeting, and that within the 10-day period from today's date, Camtech provide to the Board's Executive Director hard copies of all information for each Board member. By unanimous vote, the motion carried.

The hearing ended at 1:39 p.m. and deliberations will be continued at the January 2013 meeting.

## **HEARING MINUTES**

### **HEARING – Monifa Branch**

The Delaware Board of Nursing held a hearing on November 14, 2012, at 2:15 p.m. in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Suite 203, Dover, Delaware.

**PRESENT:** Evelyn Nicholson, Harland Sanders, David Salati, Mary Lomax, Dianne Halpern, Delphos Price, Robert Contino, Robert Maddex, Pamela Tyranski, Tracy Littleton, Kathy Bradley, Gwelliam Hines

**RECUSED:**

**EXCUSED:** Lyron Deputy, Madelyn Nellius

**PURPOSE:** Propose to Deny

**PRESIDING:** Evelyn Nicholson, President

**BOARD STAFF:** Pamela Zickafoose, Executive Director of Nursing  
Sheryl Paquette, Administrative Specialist III

**DEPUTY ATTORNEY GENERAL FOR THE BOARD:** Allison Reardon, DAG

**DEPUTY ATTORNEY GENERAL FOR THE STATE:**

**RESPONDENT:** Monifa Branch

**COUNSEL FOR THE RESPONDENT:**

**WITNESSES FOR THE STATE:**

**WITNESSES FOR THE RESPONDENT:**

**COURT REPORTER PRESENT:** Juli LaBadia, Wilcox and Fetzer

**TIME STARTED:** 2:15 p.m.

The recorder took verbatim testimony. The Board members introduced themselves. Ms. Nicholson stated that at the meeting of October 10, 2012 the Board proposed to deny licensure to Ms. Monifa Branch with the right of the applicant to request a hearing.

Ms. Branch asked if she could hand out documents that she brought that explained the events of January 8, 2006. Ms. Reardon marked her documents as Exhibit #1 and Exhibit #2.

Ms. Branch said on January 8, 2006 she was attending a family party when the police needed to be called for someone attending that had become drunk and disorderly. She said when the police arrived she was trying to explain to the police, along with the person that was drunk, what the situation was when the police pushed her (Ms. Branch) onto their police car, handcuffed her, and placed her inside the police car. Ms. Branch said her neck was hurting at this point and she felt she needed to go to the

hospital. She said when the police told her they were going to let her go she explained to them that she thought she was hurt and needed to go to the hospital. The police officer told her that if she went to the hospital he would have to write a report so he could "cover himself." Ms. Branch said they took her to the jail and she was given a fine, which she paid. She said she was going to write up a complaint but ended up letting it go. She said she forgot about the incident when filling out the application as she has never been in trouble before. Ms. Branch said she wasn't intentionally deceitful.

The Board went off the record at 2:26 p.m. for deliberations. The Board went back on the record at 2:27 p.m. Dr. Contino made a motion, seconded by Mr. Maddex, that the Board grant a waiver and thereby grant licensure by endorsement to Ms. Monifa Branch. By unanimous vote, the motion carried.

The hearing concluded at 2:29 p.m.